



In the Missouri Court of Appeals Eastern District

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION TWO

J. MICHAEL DOOLEY,)	No. ED92424
)	
Plaintiff/Appellant,)	Appeal from the Circuit Court
)	of St. Louis County
v.)	
)	
ST. LOUIS COUNTY, MISSOURI,)	Honorable David Lee Vincent III
CHARLIE A. DOOLEY, and)	
JAMES BAKER,)	
)	
Defendants/Respondents.)	Filed: December 8, 2009

J. Michael Dooley (Plaintiff) appeals from the trial court's judgment, entered upon a jury verdict, in favor of Defendants St. Louis County, Missouri (County), Charlie Dooley (Dooley) and James Baker (Baker) on Plaintiff's 42 USC §1983 claim against his former employer, County, and individual government actors Dooley and Baker, for violations of Plaintiff's First Amendment rights.

AFFIRMED.

Division Two Holds: The trial court did not: 1) err in refusing Plaintiff's motion for new trial because the verdict director given to the jury properly recited Plaintiff's burden of proof; did not misdirect, mislead or confuse the jury; and caused no prejudice to Plaintiff; 2) abuse its discretion in denying Plaintiff's challenge of a juror for cause because, although the juror initially indicated that she might be unwilling to listen to all of the evidence, she subsequently expressed her ability to be fair and impartial; or 3) err in refusing Plaintiff's motion for new trial or abuse its discretion in denying his request for a mistrial after the juror commented on the

evidence and articulated her refusal to listen to all of the evidence because the trial court effectively cured any potential prejudice by excusing the juror and replacing her with an alternate.

Opinion by: Sherri B. Sullivan, P.J. Robert G. Dowd, Jr., J. and Patricia L. Cohen, J., concur.

Attorneys for Appellant: D. Eric Sowers, Ferne P. Wolf, and M. Beth Fetterman

Attorneys for Respondent: Patricia Redington and Cynthia L. Hoemann

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HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD
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